



7/10/05
RCE\$

REQUEST for CONTINUED EXAMINATION (RCE) TRANSMITTAL

Applicant: WESTLUND Examiner: Jastrzab, J.
Serial No.: 10/733,868 Group Art Unit: 3762
Filed: December 11, 2003 Docket No.: GUID.076PA
(02-046)

Title: CARDIAC LEAD HAVING COATED FIXATION ARRANGEMENT

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this communication is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, MAIL STOP RCE, P.O. Box 1450, Alexandria, VA 22313-1450, on April 26, 2005.

19 Total Pages

By: Kelly S. Waltigney
Kelly S. Waltigney

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer No.
51294

1. This is a **Request for Continued Examination (RCE)** under 37 C.F.R. §1.114 of patent application serial no. 10/733,868.
2. The following are submitted under 37 C.F.R. §1.114, to further prosecution of the present application for reexamination:
 - a. ☒ Previously-unentered Response and Amendment to Final Office Action, as was filed on 03/07/2005, a copy of which is submitted herewith for entry and to further advance prosecution of the above-referenced patent application. This paper includes (1) Replacement Drawing Sheet, Figures 3A-3C.
 - b. ☒ Other: Copy of Advisory Action dated 4/12/2005 (see Box 7).
3. Petition for One-Month Extension of Time, as calculated from date of final action and wherein upon all required fees are provided.
4. Fees
 - a. ☒ The Commissioner is hereby authorized to charge all requisite fees, or credit any overpayments to Deposit Account number 50-0996 (**GUID.076PA**).
 1. ☒ **The RCE filing fee of \$790.**

Entry of this Request for Continued Examination, and a favorable reply, are earnestly requested.

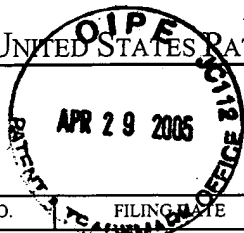
Respectfully Submitted,

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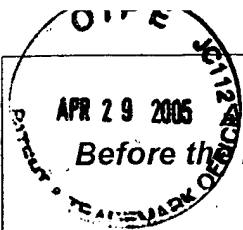
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,868	12/11/2003	Randy Westlund	GUID.076PA (02-046)	8097
51294	7590	04/12/2005	EXAMINER	
CRAWFORD MAUNU PLLC 1270 NORTHLAND DRIVE SUITE 390 ST. PAUL, MN 55120			JASTRZAB, JEFFREY R	
			ART UNIT	PAPER NUMBER
			3762	

DATE MAILED: 04/12/2005

Advisory

Please find below and/or attached an Office communication concerning this application or proceeding.



APR 29 2005

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/733,868

Applicant(s)

WESTLUND, RANDY

Examiner

Jeffrey R. Jastrzab

Art Unit

3762

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-35.

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☒ Other: The proposed drawing changes are approved for entry.

☒ IDS Sheet initialled as requested.

Jeffrey R. Jastrzab
Primary Examiner
Art Unit: 3762
4/9/05

Continuation of 3. NOTE: The concept of the "majority" of the fixation element being covered in insulation was not perviously addressed and would require further consideration. Note cited references.